



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

April 3, 2024

VIA ECF

Hon. Ronnie Abrams
United States District Judge
United States District Court
40 Foley Square, Room 2203
New York, New York 10007

**Re: *Larissa Saliba, et al., v. Director of U.S. Citizenship and Immigration Services,*
No. 24 Civ. 715 (RA)**

Dear Judge Abrams:

This Office represents the government in this Administrative Procedure Act (“APA”) lawsuit, in which plaintiffs, nine unrelated foreign nationals, seek an order compelling U.S. Citizenship and Immigration Services (“USCIS”) to adjudicate each plaintiff’s Form I-829, Petition by Investor to Remove Conditions on Permanent Resident Status. I write respectfully to request a 30-day extension of the government’s deadline to respond to the complaint (from April 8, 2024, to May 8, 2024). I further respectfully request that the Court cancel the initial pretrial conference (set for April 12, 2024) and relieve the parties of the corresponding obligations to submit a joint letter and a proposed case management plan and scheduling order, or alternatively, adjourn the conference and corresponding obligations for 30 days.

First, the government requests this extension of its response deadline because USCIS has taken adjudicative steps on each plaintiff’s Form I-829. Specifically, USCIS has approved the Forms I-829 for six plaintiffs: Larissa Saliba, Feng Wan, Hoang Mai Ngo, Giang Doan, Deepa Joykutty, and Rishabh Singh. Those six plaintiffs’ claims are indisputably moot. For the remaining three plaintiffs—Yawei Liu, Swatika Rajaram, and Hua Zheng—USCIS has requested that they submit additional evidence in support of their Forms I-829, and USCIS has not yet received responses. Because USCIS has taken adjudicatory steps on these three plaintiffs’ Forms I-829, the government believes their claims are moot as well. *See, e.g., Shao v. USCIS*, No. 22-CV-6554 (VEC), 2023 WL 3473783, at *1 (S.D.N.Y. May 15, 2023); *Meng v. USCIS*, 597 F. Supp. 3d 552, 554 (E.D.N.Y. 2022). Accordingly, the government anticipates filing a motion to dismiss and needs additional time to confer with USCIS and prepare and finalize the motion. This is the government’s first request for an extension of its deadline to respond to the complaint, and plaintiff consents to this request.

Furthermore, because this lawsuit seeks judicial review of purported administrative agency inaction, it is exempt from the mandatory scheduling order required by Fed. R. Civ. P. 16(b). Local Civil Rule 16.1; *see also* Fed. R. Civ. P. 26(f)(1) (APA action exempt from discovery conference requirement); Fed. R. Civ. P. 26(a)(1)(B)(i) (APA action exempt from initial disclosure requirement). The government thus respectfully requests that the Court cancel the initial pretrial conference and relieve the parties of the corresponding obligations. Plaintiffs do not agree that these requirements are inapplicable to this case and thus do not consent to this request. Accordingly, in the alternative, the government requests that the Court adjourn the conference and

corresponding obligations for 30 days. This is the government's first request to adjourn the conference and corresponding obligations, and plaintiffs consent to this 30-day adjournment request.

I thank the Court for its consideration of this letter.

Respectfully submitted,

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cc: Counsel of record (via ECF)

The government's deadline to respond to Plaintiffs' complaint is hereby adjourned to May 8, 2024. The deadline for parties to file a joint letter, proposed scheduling order, and case management plan is hereby adjourned. The initial pretrial conference originally scheduled for April 12, 2024 is hereby adjourned. No later than April 10, 2024, Plaintiffs shall file a letter responding to the government's argument that the initial pretrial conference and the parties' corresponding obligations be canceled.

SO ORDERED.



Hon. Ronnie Abrams
April 4, 2024